

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Labour, Factories , Boilers & Insurance Medical Services Department- Amendment of addition of Rule-8 A and Rule 8-B and Amendment to Rule 34 of the Andhra Pradesh Shops & Establishments Rules, 1990 - final Notification - Orders - Issued.

LABOUR FACTORIES BOILERS & INSURANCE MEDICAL SERVICES (Labour.I) DEPARTMENT

G.O.Ms.No.1.

Dated:18.02.2025

Read the following:

1. G.O.Ms.No.169, WD,CW&L(Lab.II) Department, Dt.28.10.1991.
- 2.The Andhra Pradesh Shops & Establishments (Amendment) Act, 2022 issued vide A.P.Gazette No.16, dated:16.09.2022.
- 3.From the Special Commissioner of Labour, Andhra Pradesh, Vijayawada, Lr.No.I/APS&E Act/Sec-62/2021, Dated:12.09.2022.
- 4.GO.Ms.No.4, Labour Factories Boilers & Insurance Medical Services (Labour-I) Department, dated:4-5-2023.
5. From the Commissioner of Labour, A.P., Lr. No. 1/APSE Act/Sec-62/2021, dated: 10.01.2025.

ORDER:

In the reference fourth read above, it was proposed to amend the Andhra Pradesh Shops & Establishments Rules, 1990 issued in G.O.Ms.No.169, WD,CW&L (Labour.II) department, Dated:28-10-1991 as subsequently amended, in exercise of the powers conferred by sub-section (1) of Section 71 of the Andhra Pradesh Shops & Establishments Act, 1988 (Act No.20 of 1988), a preliminary Notification was published in the Andhra Pradesh Gazette No.2958 (G.3101) dated:23-11-2023 for General information of the public as required by sub-section (3) of Section 71 of the said Act.

2. No objections or suggestions received from Public in respect of the said rules.
3. The Government after careful consideration of the matter hereby decided to amend the Andhra Pradesh Shops & Establishments Rules, 1990 suitably.
4. Accordingly, the following Notification will be published in Andhra Pradesh Gazette dated: 18 -2-2025.

FINAL NOTIFICATION

In exercise of the powers conferred by sub-section (1) of Section 71 of the Andhra Pradesh Shops & Establishments Act, 1988 (Act No.20 of 1988), the Government of Andhra Pradesh hereby make the following amendments to the Andhra Pradesh Shops & Establishments Rules, 1990 issued in G.O.Ms.No.169, WD,CW&L (Labour.II) department, Dated:28-10-1991 as subsequently amended and the same has been previously issued in G.O.Ms.No.4, Labour Factories Boilers & Insurance Medical Services (Labour-I) Department, dated:4-5-2023 and published vide Andhra Pradesh Gazette No.2958(G.3101), dated:23-11-2023 as required under sub-section (3) of Section 71 of the said Act.

(P.T.O)

AMENDMENT

In the said rules,

- (1) after Rule 8 the following shall be added ;

Rule- 8-A :Appointment of Authorities and Appellate Authorities under Sub Section (6) of Section 61 and sub section (2) of Section 63 of the Act:

(1)The Government may notify the Officers of the Labour Department not below the rank of Assistant Commissioner of Labour as Authorities to exercise power under Sub Section (6) of Section 61 and sub section (2) of Section on 63

(2) The Government may notify the Officers of the Labour Department not below the rank of Deputy Commissioner of Labour, as Appellate Authorities to exercise power under the proviso to Sub Section (6) of Section 61 and Sub Section (2) of Section 63

Rule: 8-B: Appeal on fines (Form of appeal, mode of submission and procedure to be followed by the appellate authority):

1. Every appeal, under Section 61 (6) and Section 63 (2) shall be presented to the Appellate Authority in person or sent to him by Registered Post under Acknowledgement Due.
2. The appeal shall be in form of a memorandum and shall be accompanied by a certified copy of the order appealed against.
3. The memorandum shall set forth the grounds of appeal.
4. Where the memorandum of appeal in order, the Appellate Authority shall admit the appeal, endorse thereon the date of presentation and shall register the appeal in the Register of Appeals in Form VIII-A.
5. Where the appeal is admitted, the Appellate Authority shall obtain the connected records from the Inspector concerned against whose order the appeal has been preferred.
6. The Appellate Authority shall give an opportunity to the appellant for being heard by fixing a date.
7. If, on the date fixed for personal hearing, the appellant does not appear the Appellate Authority after giving reasonable opportunity shall decide the appeal on the basis of the records made available to him and shall communicate his order to the appellant.
8. If, the Appellate Authority is of the opinion that the quantum of penalty imposed is on the higher side or not correctly made it shall suitably modify or set aside the total penalty of compounding as the case may be.

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FORM-VIIIA

(See Rule 8B (4))

Register of Appeals on compounding

Sl.NO.	Name and Address of the applicant	Date of appeal	Date of presentation of appeal	Date of hearing	Whether allowed or rejected	Date of Final order
1	2	3	4	5	6	7

(2) In Rule 34, the following shall be substituted -

Rule 34: **Penalty for violation of Rules:**

(1) Any employer who contravenes any of the provisions of these Rules shall be Imposed for a first contravention with fine which may extend to Rs 10,000/- and for a second or subsequent contravention with fine which may extend to Rs 20,000/-.

(2) The provisions of Appeal, Appointment of Authorities and the Appellate Authorities, the procedure before the Authority and the Appellate Authority shall be the same as prescribed in sub section 6 of Section 61 and sub section 2 of section 63 of the Act and Rules 8A and 8B supra.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

A. VANI PRASAD
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To

The Director of Printing Stationery & Stores Purchase, Vijayawada.

(with a request to publish the said Notification and supply 100 copies to the Commissioner of Labour, AP, Vijayawada).

Copy to:

P.S. to Secretary to Chief Minister.

P.S. to Minister (LFB&IMS).

P.S. to Special Chief Secretary to Government, LFB&IMS Department.

Law (B) Department.

Sf/Sc.

//FORWARDED :: BY ORDER//

SECTION OFFICER